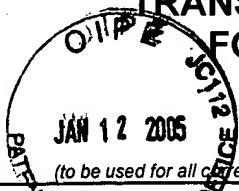
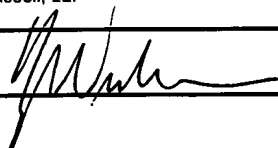
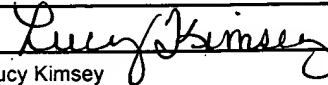


TRANSMITTAL FORM  (to be used for all correspondence after initial filing)	Application Number	09/171,910	
	Filing Date	03/18/1999	
	First Named Inventor	VAN DIJK, Dirk et al.	
	Art Unit	1772	
	Examiner Name	CHEVALIER, Alicia Ann	
Total Number of Pages in This Submission	23	Attorney Docket Number	VR2-002

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input checked="" type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) ____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Request for Reconsideration and Renewed Petition for Revival Return Receipt Postcard
Remarks 		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm	Smith, Gambrell & Russell, LLP		
Signature			
Printed Name	Robert G. Weilacher		
Date	January <u>10</u> , 2005	Reg. No.	20,531

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Signature			
Typed or printed name	Lucy Kimsey	Date	January <u>10</u> , 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Effective on 12/08/2004.

Prescribed by the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL
for FY 2005☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 65

Complete if Known

Application Number	09/171,910
Filing Date	03/18/1999
First Named Inventor	VAN DIJK, Dirk et al.
Examiner Name	CHEVALIER, Alicia Ann
Art Unit	1772
Attorney Docket No.	VR2-002

METHOD OF PAYMENT (check all that apply)☒ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify) : _____☒ Deposit Account Deposit Account Number: 02-4300 Deposit Account Name: Smith, Gambrell & Russell, LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below☐ Charge fee(s) indicated below, except for the filing fee☒ Charge any additional fee(s) or underpayments of fee(s)☐ Credit any overpayments

Under 37 CFR 1.16 and 1.17

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	_____
Design	200	100	100	50	130	65	_____
Plant	200	100	300	150	160	80	_____
Reissue	300	150	500	250	600	300	_____
Provisional	200	100	0	0	0	0	_____

2. EXCESS CLAIM FEES**Fee Description**

Each claim over 20 (including Reissues)

Small Entity

Fee (\$)

Fee (\$)

Each independent claim over 30 (including Reissues)

50

25

Multiple dependent claims

200

100

360

180

Total Claims**Extra Claims****Fee (\$)****Fee Paid (\$)****Multiple Dependent Claims**

_____ -20 or HP= _____ x _____ = _____

Fee (\$)**Fee Paid (\$)**

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims**Extra Claims****Fee (\$)****Fee Paid (\$)**

_____ - 3 or HP= _____ x _____ = _____

HP = highest number of independent claims paid for, if greater than 3.

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets **Extra Sheets** **Number of each additional 50 or fraction thereof** **Fee (\$)** **Fee Paid (\$)**

_____ - 100 = _____ / 50 = _____ (round up to a whole number) x _____ = _____

4. OTHER FEE(S)

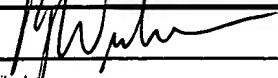
Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Terminal Disclaimer Fee

Fees Paid (\$)

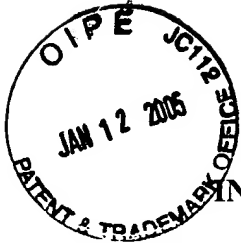
65

SUBMITTED BY

Signature		Registration No. (Attorney/Agent)	20,531	Telephone	(404) 815-3593
Name (Print/Type)	Robert G. Wellacher	Date	January 10, 2005		

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 09/171,910
Applicant(s) : VAN DIJK, Dirk et al.
Filed : 03/18/1999
TC/A.U. : 1772
Examiner : CHEVALIER, Alicia Ann
Title : Plastic-Based Composite Product and Method and Apparatus for
Manufacturing Same

Confirmation No.: 8639

Docket No. : VR2-002
Customer No. : 25461

Mail Stop PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

**REQUEST FOR RECONSIDERATION AND
RENEWED PETITION FOR REVIVAL OF AN
APPLICATION ABANDONED UNINTENTIONALLY
UNDER 37 CFR 1.137(b)**

In response to the Decision on Petition mailed December 9, 2004 (Paper No. 47) in the above-identified application, Applicants note that a grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by: (1) the required reply; (2) the petition fee required by 37 CFR 1.17 (m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) if required, a terminal disclaimer and the fee set forth in 37 CFR 1.20(d).

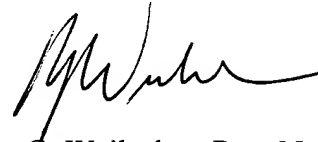
Applicants point out that that items (1) – (3) above were previously submitted for filing by the Applicants on November 24, 2003 and August 30, 2004. Copies of the documents are submitted herewith, together with copies of Applicants' return receipt postcards, bearing the date-stamp of the Office of Initial Patent Examination.

LIT891379.1

Applicants also submit herewith a Terminal Disclaimer, together with a check in the amount of \$65.00 in payment of the fee set forth in 37 CFR 1.20(d).

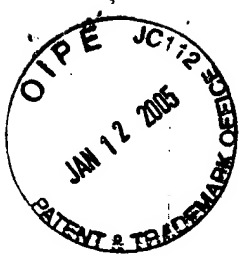
Consideration of this Request for Reconsideration is awaited.

Respectfully submitted,



By: Robert G. Weilacher, Reg. No. 20,531

Dated: January 10, 2005
SMITH, GAMBRELL & RUSSELL, LLP
Suite 3100, Promenade II
1230 Peachtree Street, N.E.
Atlanta, Georgia 30309-3592
Ph: (404) 815-3593
Fax: (404) 685-6893



Postcard receipt. Please apply mailroom stamp and return to:
SMITH, GAMBRELL & RUSSELL, LLP

Applicant(s): Dirk Van Dijk

App. No. 09/171,910

Filed: March 15, 1999

Title: PLASTIC-BASED COMPOSITE PRODUCT AND METHOD AND
APPARATUS FOR MANUFACTURING SAME



Documents transmitted herewith:

1. Request for Continued Examination Transmittal form;
2. Amendment Filed with RCE;
3. Fee Transmittal; and
4. \$770 check

Atty: RGW/sjr

Date: Nov. 18, 2003

Docket: 044186.003

Request For Continued Examination (RCE) Transmittal

Address to:
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Application Number	09/171,910
Filing Date	May 13, 1999
First Named Inventor	Dirk Van Dijk
Art Unit	1772
Examiner Name	Aliccia Chevalier
Attorney Docket Number	044186.003

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. ☐ Submission required under 37 C.F.R. 1.114 Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

- a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

- i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
ii. ☐ Other _____

- b. ☒ Enclosed

- i. ☒ Amendment/Reply
ii. ☐ Affidavit(s)/Declaration(s)
iii. ☐ Information Disclosure Statement (IDS)
iv. ☐ Other _____

2. ☐ Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. 1.17(i) required)

- b. ☐ Other _____

3. ☐ Fees The RCE fee under 37 C.F.R. 1.17(e) is required by 37 C.F.R. 1.114 when the RCE is filed.

- a. ☐ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. _____

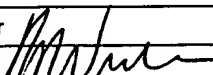
- i. ☐ RCE fee required under 37 C.F.R. 1.17(e)
ii. ☐ Extension of time fee (37 C.F.R. 1.136 and 1.17)
iii. ☐ Other _____

- b. ☒ Check in the amount of \$ 770.00 enclosed

- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

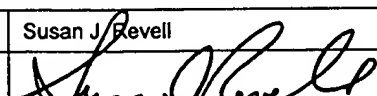
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print /Type)	Robert G. Wellacher	Registration No. (Attorney/Agent)	20,351
Signature		Date	November 18, 2003

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below:

Name (Print /Type)	Susan J. Revell	Date	November 18, 2003
Signature			

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 770

Complete if Known

Application Number 09/171,910
Filing Date May 13, 1999
First Named Inventor Dirk Van Dijk
Examiner Name Alicia Chevalier
Art Unit 1772
Attorney Docket No. 044186.003

METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit card ☐ Money ☐ Other ☐ None
Order

☐ Deposit Account:

Deposit Account Number

Deposit Account Name

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Credit any overpayments
☐ Charge any additional fee(s) during the pendency of this application
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1)

(\$0)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims -20 ** = X =
Independent Claims -3 ** = X =
Multiple Dependent X =

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2)

(\$0)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17 (q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	770
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$770)

SUBMITTED BY

Complete (if applicable)

Name (Print/Type) Robert G. Wellacher Registration No. (Attorney/Agent) 20,351 Telephone 404-815-3593
Signature Date November 19, 2003

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This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing this form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. 09/171,910 Confirmation No.:
Applicant(s): DIRK VAN DIJK, ET AL.
Filed: May 13, 1999
TC/A.U. 1772
Examiner: Alicia Chevalier
Title: PLASTIC-BASED COMPOSITE PRODUCT AND METHOD AND
APPARATUS FOR MANUFACTURING SAME

Docket No.: 044186.003
Customer No.: 25461

MAIL STOP RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT FILED WITH RCE

The following amendment is filed together with the accompanying Request for Continued Examination to place the application in condition for allowance.

Please amend the above-identified application, as follows.

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 8 of this paper.

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on November 19, 2003.


Susan J. Revell

Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

Please amend the claims as shown in the following listing.

1-55. (Cancelled)

56. (Currently Amended) Plastic-based composite product comprising a plastic mass in which particles comprising wood are homogeneously embedded, which particles have tensile strength in a first particle direction, said product having a chosen principal product direction,

wherein the particles comprise:

small particles being fibers and having a random orientation and a length of 0.2-2 mm; and

large particles dominantly orientated such that their first particle direction is in said chosen principal product direction, said large particles being larger than said small particles and having a length in the first particle direction of about 2-6 mm, wherein the product is elongated and the chosen principal product direction is the longitudinal direction of the product.

57. (Previously Presented) Product as claimed in claim 56, wherein the particles are elongated.

58. (Cancelled)

59. (Currently Amended) Product as claimed in claim 58 56, wherein the wood particles consist of a material selected from the group consisting of fir, spruce, birch and poplar.

60. (Previously added) Product as claimed in claim 57, wherein the large particles are fibers, and wherein the first particle direction is the longitudinal direction of each fiber.

61. (Previously added) Product as claimed in claim 56, wherein the plastic mass is a thermoplastic polymer.

62. (Currently Amended) Product as claimed in claim 61, ~~wherein the particles include particles of wood material~~, wherein said wood material particles are elongated and have a length in the first particle direction and have a transverse dimension perpendicular to said first particle direction, the ratio between the length in the first particle direction and said transverse dimension being 4 or more, wherein the wood particles are present in the plastic mass in a quantity of 40-80% by mass, and wherein the product complies with the following requirements relating to mechanical properties in

- bending strength in the first particle direction: at least 8 Mpa
- bending modulus in the first particle direction: at least 3 Gpa
- tensile strength in the first particle direction: at least 6 Mpa
- tensile stress modulus in first particle direction: at least 3 Gpa
- ~~tensile strength transversely of first particle direction: at least 0.3 Mpa~~
- ~~tensile stress modulus transversely of first particle direction: at least 1 Gp.~~

63. (Previously Presented) Product as claimed in claim 62, wherein the ratio lies in the range of 6-80.

64. (Previously Presented) Product as claimed in claim 62, wherein the wood particles are present in the plastic mass in a quantity of 50-70% by mass.

65. (Previously Presented) Product as claimed in claim 61, wherein the polymer is a polyolefin.

66. (Previously Presented) Product as claimed in claim 65, wherein the polyolefin material is a material selected from the group consisting of polypropylene and polyethylene.

67. (Previously Amended) Product as claimed in claim 62, wherein the particles include particles of non-wood material present in the plastic mass in a quantity of 3-25% by mass, said particles of non-wood material including fibers of natural cellulose polymer.

68. (Currently Amended) Product as claimed in claim ~~[[67]]~~ 62, wherein the fibers of natural cellulose polymer are also present and are made from a material selected from the group consisting of flax, jute, hemp, sisal, coconut, bamboo and miscanthus.

69. (Previously Presented) Product as claimed in claim 62, wherein the particles include particles of non-wood material present in the plastic mass in a quantity of 3-25% by mass, said particles of non-wood material including glass fibers with a length of 4-5 mm and a diameter of 0.013 mm and a ratio of length to diameter in the range of 300-400.

70. (Previously Presented) Product as claimed in claim 56, wherein the large particles are plate-shaped having a main plane, the first particle direction extending in said main plane.

71.-72. (Cancelled).

73. (Previously Presented) Product as claimed in claim 56, comprising at least one coloring agent or pigment.

74. (Currently Amended) Product as claimed in claim 56, wherein the product is ~~forms~~ a plate-shaped layer, a skin layer being adhered to at least one of the sides of the plate-shaped layer.

75. (Previously Presented) Laminated product comprising a plurality of products according to claim 56, wherein the products are plate-shaped and have main planes, and wherein the plate-shaped products are adhered to one another on their main planes.

76. (Currently Amended) Plastic-based composite product comprising a plastic mass in which particles comprising wood are homogeneously embedded, which particles have tensile strength in a first particle direction, said product having a chosen principal product direction,

wherein the particles comprise:

small particles being fibers and having a random orientation and a length of 0.2-2 mm; and

large particles dominantly orientated such that their first particle direction is in said chosen principal product direction, said large particles being larger than said small particles and having a length in the first particle direction of about 2-6 mm, wherein the plastic mass is a thermoplastic polymer.

77. (Currently Amended) Product as claimed in claim 76, ~~wherein the particles include particles of wood material~~, wherein said wood material particles are elongated and have

a length in the first particle direction and have a transverse dimension perpendicular to said first particle direction, the ratio between the length in the first particle direction and said transverse dimension being 4 or more, wherein the wood particles are present in the plastic mass in a quantity of 40-80% by mass, and wherein the product complies with the following requirements relating to mechanical properties in

- bending strength in the first particle direction: at least 8 Mpa
- bending modulus in the first particle direction: at least 3 Gpa
- tensile strength in the first particle direction: at least 6 Mpa
- tensile stress modulus in first particle direction: at least 3 Gpa
- tensile strength transversely of first particle direction: at least 0.3 Mpa
- tensile stress modulus transversely of first particle direction: at least 1 Gpa.

78. (Previously Presented) Product as claimed in claim 77, wherein the ratio lies in the range of 6-80.

79. (Previously Presented) Product as claimed in claim 77, wherein the wood particles are present in the plastic mass in a quantity of 50-70% by mass.

80. (Previously Presented) Product as claimed in claim 76, wherein the polymer is a polyolefin.

81. (Previously Presented) Product as claimed in claim 80, wherein the polyolefin material is a material selected from the group consisting of polypropylene and polyethylene.

REMARKS/ARGUMENT

Reconsideration is respectfully requested of the above-identified application. Upon entry of the foregoing amendment the claims in the application are Claims 56, 57, 59-70, and 73-81. It is noted that the rejection of Claims 58, 62, 67 and 69 under 35 U.S.C. § 112 (second paragraph) has been withdrawn.

Applicants wish to express their gratitude to the examiner for extending the courtesy of an interview to applicant's counsel and applicant at the interview held in the United States Patent and Trademark Office on June 19, 2003. At that time, the issues relating to the present invention were discussed. It is believed that the rejection with respect to Claims 56, 57, 60 and 70 under 35 U.S.C. § 102 as anticipated by *Jex* will be overcome by the present amendment.

Further, with the amendment of Claim 68 presented herewith, it is believed that the rejection of Claim 68 under 35 U.S.C. § 112 (second paragraph) has been overcome.

The rejection of Claims 56-70 and 73-75, in view of *Cogswell* (US 4,559,262) as expressed in the Final Action in paragraph 4 on page 2, is traversed and reconsideration is requested. Similarly, the rejection of Claims 76-81 under 35 U.S.C. § 103(a) as unpatentable over *Cogswell* is traversed and reconsideration is respectfully requested for the following reasons. The claims, as now amended, specify that the particles in the plastic based composite product of the present invention comprise wood, namely wood by itself, or wood mixed with a number of other fibrous materials such as those now recited in Claim 68. The claims now also specify that the particles comprise small particles being fibrous and having a random orientation and a length of 0.2 to 2 mm, as well as large particles, wherein the large particles are

larger than the small particles. This amendment is presented because the Examiner pointed out that because the particles could both have a common size of 2 mm, it was necessary to specify that the large particles are in fact larger than the small particles. It is important to note the small particles have a random orientation and the large particles are predominantly oriented in the first particle direction. This feature of the present invention is absent in the reference of *Cogswell* as admitted in the Official Action and, consequently, there is lacking a teaching in the art whereby a person skilled in the art would be lead to orient the particles in the particular way as set forth in the present claim. Moreover, Claims 62 and 77 point out the strength characteristics that are obtained in accordance with the present invention, which strength characteristics were discussed at the meeting with the Examiner.

For reasons set forth above, applicants respectfully submit that *Cogswell* does not create *prima facie* obviousness for the present invention.

Favorable action at the Examiner's convenience is respectfully requested.

Respectfully submitted,

SMITH, GAMBRELL & RUSSELL, LLP

By: 

Robert G. Weilacher, Reg. No. 20,531

Suite 3100, Promenade II
1230 Peachtree Street, N.E.
Atlanta, Georgia 30309-3592
Telephone: (404) 815-3593
Facsimile: (404) 685-6893

Please stamp with the date of receipt & return to addressee.

Inventor(s): **VAN DIJK, Dirk**

Serial No.: **09/171,910**

Filing Date: **03/18/1999**

Title: **Plastic-Based Composite Product and Method and Apparatus for Manufacturing Same**

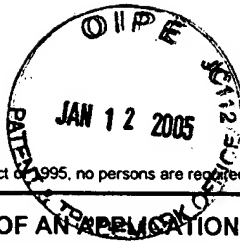
Papers Submitted: 1) \$665.00 Check for Petition Fee;
2) Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b) (2 pages);
3) Fee Transmittal for FY 2004 (in duplicate);
4) Copy of Notice Regarding Improper Request for Continued Examination (2 pages); and
5) Return Receipt Postcard.

Sender: **RGW/lk**

Date Sent: **August 25, 2004 (first class mail)**

Atty. Dkt. No.: **VR2-002 (044186.003)**



**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**Docket Number (Optional)
VR2-002

First named inventor: Dirk VAN DIJK

Application No.: 09/171,910

Art Unit: 1772

Filed: 03/18/1999

Examiner: CHEVALIER, Alicia Ann

Title: Plastic-Based Composite Product and Method and Apparatus for Manufacturing Same

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX: (703) 872-9306

NOTE: If information or assistance is needed in completing this form, please contact
Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee -- required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☒ Small entity - fee \$665 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity - fee \$_____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of _____ (identify type of reply):

- ☐ has been filed previously on _____ .
☐ is enclosed herewith.

B. The issue fee of \$ 674

- ☒ has been paid previously on May 7, 2004 .
☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$_____ for a small entity or \$_____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. Statement. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

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August 18, 2004

Date



Signature

Telephone
Number: (404) 815-3593

Robert G. Weilacher, Reg. No. 20,531

Typed or printed name

1230 Peachtree St NE, Ste 3100, Promenade II

Address

Atlanta, GA 30309-3592

Address

Enclosures: ☒ Fee Payment

☐ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

☒ Other : Copy of Notice Regarding Improper Request for Continued Examination

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(A)]

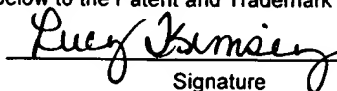
I hereby certify that this correspondence is being:

☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

☐ transmitted by facsimile on the date shown below to the Patent and Trademark Office at (703) 872-9306.

August 25, 2004

Date



Signature

Lucy Kimsey

Typed or printed name of person signing certificate

FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27.

TOTAL AMOUNT OF PAYMENT (\$) 665

Complete if Known

Application Number	09/171,910
Filing Date	03/18/1999
First Named Inventor	VAN DIJK, Dirk
Examiner Name	CHEVALIER, Alicia Ann
Art Unit	1772
Attorney Docket No.	VR2-002

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☐ Deposit Account:Deposit
Account
NumberDeposit
Account
Name

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Credit any overpayments
☐ Charge any additional fee(s) during the pendency of this application
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1)

(\$) 0

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims			
Multiple Dependent			

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2)

(\$) 0

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	665
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17 (q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

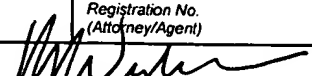
Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$) 665

SUBMITTED BY

Name (Print/Type)	Robert G. Weitacher	Registration No. (Attorney/Agent)	20,531	Telephone	(404) 815-3593
Signature		Date	August 18, 2004		

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This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing this form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 665

Complete If Known

Application Number 09/171,910
Filing Date 03/18/1999
First Named Inventor VAN DIJK, Dirk
Examiner Name CHEVALIER, Alicia Ann
Art Unit 1772
Attorney Docket No. VR2-002

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money ☐ Other ☐ None
Order

☐ Deposit Account:

Deposit
Account
Number

Deposit
Account
Name

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Credit any overpayments
☐ Charge any additional fee(s) during the pendency of this application
☐ Charge fee(s) indicated below, except for the filing fee
to the above-identified deposit account.

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1. BASIC FILING FEE

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1004	770	2004	385	Reissue filing fee	
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SUBTOTAL (1)					(\$ 0)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims ** = X =
Independent Claims ** = X =
Multiple Dependent X =

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
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**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES


Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
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1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 665)

SUBMITTED BY

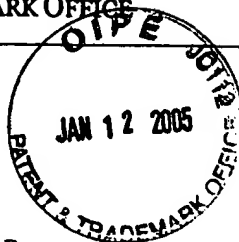
Name (Print/Type)	Robert G. Weilacher	Registration No. (Attorney/Agent)	20,531	Telephone	(404) 815-3593
Signature		Date	August 18, 2004		

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SUITE 3100, PROMENADE II
1230 PEACHTREE STREET, N.E.
ATLANTA, GA 30309-3592

COPY MAILED

JUL 26 2004

In re Application of	:	OFFICE OF PETITIONS
Van Dijk et al.	:	
Application No. 09/171,910	:	NOTICE REGARDING
International Filing Date:	:	IMPROPER REQUEST
April 27, 1995	:	FOR CONTINUED
371 Date: March 18, 1999	:	EXAMINATION (RCE)
Title of Invention: PLASTIC-BASED	:	
COMPOSITE PRODUCT AND METHOD AND	:	
APPARATUS FOR MANUFACTURING SAME	:	

Background:

Applicant filed a Request for Continued Examination (RCE) under 37 CFR 1.114 on July 11, 2002 in the above-identified application, which is the National Stage of an International Application filed on April 27, 1995. The RCE was improper because the provisions of 37 CFR 1.114 do not apply to an international application filed under 35 U.S.C. 363 before June 8, 1995. See 37 CFR 1.114(e)(3).

A request for continued examination is not a type of new application filing. See Request for Continued Examination Practice and Changes to Provisional Application Practice, Final Rule, 65 Fed. Reg. 50092, 50097 (August 16, 2000). The Office cannot convert an improper RCE to an application, such as a continuing application under 37 CFR 1.53(b) or (d). An improper RCE will not operate to toll the running of any time period set in the previous Office action for reply to avoid abandonment of the application. See Manual for Patent Examining Procedure (MPEP) 706.07(h), page 700-70, subsection III.A., "Treatment of Improper RCE", (8th Ed. 2001).

In the instant case, a final Office action was mailed on March 14, 2002. Under 35 U.S.C. § 133, an applicant has six (6) months to reply to an Office action. Upon failure to prosecute the application within six months of notice of the Office action, the application shall be regarded as abandoned. This statutory requirement may not be waived by the Office. The filing of the improper RCE on July 11, 2002 did not toll the time period set forth in the Office action mailed on March 14, 2002. Thus, the application became **abandoned on September 17, 2002** for

the failure to reply to the Office action mailed on March 14, 2002.

The Office, however, mistakenly treated the improper RCE as a proper RCE and reopened the prosecution of the application. A non-final Office action was mailed on October 4, 2002. An Amendment was filed on January 6, 2003. A final Office action was mailed on March 25, 2003. A Notice of Appeal and an Amendment, along with an extension of time were filed on September 26, 2003. An Advisory Action was mailed on October 28, 2003. A second improper RCE was filed on November 24, 2003. A Notice of Allowance and Notice of Allowability were mailed on February 9, 2004 and February 11, 2004 respectively. The Office regrets the delay in notifying Applicant of this error.

Applicants may file a petition under 37 CFR 1.137(b) to revive the application, accompanied by the payment of issue fee within **two (2) months from the date of this Notice. This time period may not be extended.** Applicant may request a refund of the RCE fees.


Any petition under 37 CFR 1.137(b) should be addressed as follows:

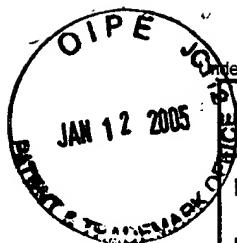
By mail: Commissioner for Patents
 PO Box 1450
 Alexandria, VA 22313-1450

By FAX: (703) 872-9306
 Attn: Office of Petitions

By hand: U.S. Patent and Trademark Office
 220 20th Street S.
 Customer Window, Mail Stop Petition
 Crystal Plaza Two, Lobby, Room 1B03
 Arlington, VA 22202

Telephone inquiries concerning this matter should be directed to the undersigned at (703) 305-0014.


Derek L. Woods
Petitions Attorney
Office of Petitions



TERMINAL DISCLAIMER TO ACCOMPANY PETITION

Docket Number (Optional)

VR2-002

In re Application of:

Name: VAN DIJK, Dirk et al.

Application Number: 09/171,910

Filed: 03/18/1999

For: Plastic-Based Composite Product and Method and Apparatus for Manufacturing Same

The owner*, Tech Wood International Limited of 100 percent interest in the above-identified application hereby disclaims a terminal part of the term of any patent granted the above-identified application equivalent to: (1) if the above-identified application is a design application, the period of abandonment of the above-identified application, and (2) if the above-identified application is a utility or plant application, the lesser of: (a) the period of abandonment of the application; or (b) the period extending beyond twenty years from the date on which the above-identified application was filed in the United States or, if the application contains a specific reference to an earlier filed application(s) under 35 U.S.C. 120, 121, or 365(c), from the date on which the earliest such application was filed. This disclaimer also applies to any patent granted on a utility or plant application filed before June 8, 1995, or a design application, that contains a specific reference under 35 U.S.C. 120, 121, or 365(c) to the above-identified application. This disclaimer is binding upon the grantee, and its successors or assigns.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of an organization (e.g. corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.
2. ☒ The undersigned is an attorney of record. Registration Number 20,531.

January ____, 2005

Signature

Date

Robert G. Weilacher

(404) 815-3593

Typed or printed name

Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) included.

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* Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

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